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09/023,234	02/13/1998	THOMAS J. HOLMAN	042390P5658	6664

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES, CA 90025

EXAMINER

VERBRUGGE, KEVIN

ART UNIT PAPER NUMBER

2188

DATE MAILED: 01/09/2004

25

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/023,234	HOLMAN, THOMAS J.	
Examiner	Art Unit		
Kevin Verbrugge	2188		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 November 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 18-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 18-30 is/are rejected.
- 7) Claim(s) 18 and 21 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 23. 6) Other: _____

Response to Amendment

This final Office action is in response to Amendment D, paper #24, filed 11/26/03, which amended claim 18. Claims 18-30 are pending. All objections and rejections not repeated below are withdrawn.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 18-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-40 of copending Application No. 09/023170 and claims 15-31 of copending Application No. 09/023172. Although the conflicting claims are not identical, they are not patentably distinct from each other because the differences in the claims are immaterial.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Objections

Claim 18 is objected to because of the following informality: in the next to last line, the second occurrence of the word "of" should be deleted. Appropriate correction is required.

Claim 21 is objected to because of the following informality: in the next to last line, the second occurrence of the word "a" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21, 23, 24, 27, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,045,781 to Levy et al., hereinafter simply Levy.

Regarding claim 18, Levy discloses memory modules with selectable byte addressing for a digital data processing system.

Levy shows the claimed plurality of memory devices as low stacks 44 and high stacks 45 in Fig. 1.

He shows the claimed memory module controller as memory transceiver 41 and memory control and timing circuit 42.

He shows the claimed system memory controller as memory management unit 22 and the claimed system memory bus as memory bus 40.

Levy's memory module controller (memory transceiver 41 and memory control and timing circuit 42) operates as claimed, serving as an interface between the plurality of memory devices and the system memory bus such that the plurality of memory devices and the system memory bus operate in different operating environments. Furthermore, the memory module controller separates the plurality of memory devices from the system memory controller and the system memory bus as newly claimed.

Regarding claim 19, Levy's memory control and timing circuit 42 includes the claimed clock generator since it generates a clock signal to drive the separate signals controlling the plurality of memory devices as claimed. Fig. 11 shows memory control and timing circuit 42 in detail, including control signal generator 145 (which outputs CLK MDR BYTE 0-3 signals), read timing generator 152, and write timing generator 156.

Regarding claim 20, Levy's memory module controller includes the claimed request handling logic since it examines a memory request to determine whether the memory request is addressed to the memory devices in its module and ignores the request if it is not addressed to its memory devices as claimed.

Regarding claim 21, Levy's memory module controller comprises the claimed power management unit because it controls power supplied to the memory devices as claimed. Levy's memory transceiver 41 and memory control and timing circuit 42 control all the signals and data supplied to the memory devices and thereby control the power supplied to the memory devices since power is transmitted on signals. In other words, power in the form of data, control, and timing signals is supplied to the memory devices. The broad language of the claim requires nothing more.

Regarding claim 23, since Levy's memory module controller does not send signals to its memory devices when a memory request is not addressed to any of the devices, it can be said that the memory controller reduces the power to the memory devices (since power is transmitted on the signals, as discussed in the rejection of claim 21 above).

Regarding claim 24, since Levy's memory module controller does not send signals to its memory devices when a memory request is not addressed to any of the devices, it can be said that the memory controller decouples the memory devices from the memory bus.

Regarding claim 27, Levy shows the claimed bus as the low bus (data), high bus (data), and control and timing signals bus in Fig. 1.

Regarding claim 30, Levy's memory devices are volatile.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 25, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,045,781 to Levy et al.

Regarding claim 22, Levy does not teach that his memory devices and the memory bus operate at different voltages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Levy's device to have the memory devices and the memory bus operate at different voltages to save power. It was well-known in the art at the time of the invention that operating devices at lower voltages reduces the total amount of power consumed, therefore the skilled artisan who was interested in saving the most power would have been motivated to design each component of the system to operate at the lowest possible voltage, thereby motivating him to modify Levy's device so the memory bus and the memory devices operated at different voltages.

Regarding claim 25, Levy does not teach altering the frequency of a clock signal to the memory devices when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Regarding claim 26, Levy does not teach disabling his clock generator when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Regarding claims 28 and 29, Levy does not disclose that his memory modules are SIMMs or DIMMs, perhaps because such terms were not used in the art at the time of his disclosure. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement his memory modules as SIMMs and DIMMs since those types of memory modules were common at the time of the invention.

Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,045,781 to Levy et al. in view of U.S. Patent 5,257,233 to Schaefer.

Art Unit: 2188

Regarding claims 21, 23, and 24, Levy does not explicitly teach that his memory module controller comprises a power management unit.

Schaefer discloses a low power memory module using restricted RAM activation.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Schaefer's power reduction circuitry and techniques in Levy's memory modules to reduce the amount of power consumed. Schaefer teaches that unused memory devices may be powered down or placed in a reduced power mode to reduce the amount of power consumed by the module as a whole. By powering down certain memory devices, they are effectively decoupled from the memory bus.

Regarding claim 22, neither Levy nor Schaefer teach that their memory devices and the memory bus operate at different voltages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Levy's device to have the memory devices and the memory bus operate at different voltages to save power. It was well-known in the art at the time of the invention that operating devices at lower voltages reduces the total amount of power consumed, therefore the skilled artisan who was interested in saving the most power would have been motivated to design each component of the system to operate at the lowest possible voltage, thereby motivating him to modify Levy's device so the memory bus and the memory devices operated at different voltages.

Regarding claim 25, Levy does not teach altering the frequency of a clock signal to the memory devices when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Regarding claim 26, Levy does not teach disabling his clock generator when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 4,045,781 to Levy et al. in view of U.S. Patent 5,036,493 to Nielsen.

Regarding claims 21, 23, and 24, Levy does not explicitly teach that his memory module controller comprises a power management unit.

Nielsen discloses a system and method for reducing power usage by multiple memory modules.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include Nielsen's power reduction circuitry and techniques in Levy's memory modules to reduce the amount of power consumed. Nielsen teaches

that unused memory devices may be powered down or placed in a reduced power mode to reduce the amount of power consumed by the module as a whole. By powering down certain memory devices, they are effectively decoupled from the memory bus.

Regarding claim 22, neither Levy nor Nielsen teach that their memory devices and the memory bus operate at different voltages. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Levy's device to have the memory devices and the memory bus operate at different voltages to save power. It was well-known in the art at the time of the invention that operating devices at lower voltages reduces the total amount of power consumed, therefore the skilled artisan who was interested in saving the most power would have been motivated to design each component of the system to operate at the lowest possible voltage, thereby motivating him to modify Levy's device so the memory bus and the memory devices operated at different voltages.

Regarding claim 25, Levy does not teach altering the frequency of a clock signal to the memory devices when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Regarding claim 26, Levy does not teach disabling his clock generator when a memory request is not addressed to any of the memory devices on a particular module, however it would have been obvious to one of ordinary skill in the art at the time the invention was made to do just that in order to save power.

Response to Arguments

Applicant's arguments are considered moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning a communication from the Examiner should be directed to the Examiner by phone at (703) 308-6663.

Any response to this action should be labeled appropriately (serial number, Art Unit 2188, and After-Final, Official, or Draft) and mailed to Commissioner for Patents, Washington, D.C. 20231, faxed to (703) 872-9306, or delivered to Crystal Park 2, 2121 Crystal Drive, Arlington, VA, 4th Floor Receptionist.



Kevin Verbrugge
Primary Examiner
1/7/04